

23 October 2016

Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
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Washington, DC 20426

Neil Kornze, Director
BLM Washington Office
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Dear Ms. Bose, Members of the Commission, Director Kornze, and Supervisor Timm:

I wish to comment upon the single Plan-Level Proposed Amendment and the three Project-Specific Proposed Amendments, all four of which would be required for routing the Mountain Valley Pipeline through the Jefferson National Forest (Docket CP16-10). These proposed amendments are described and discussed in the Sept. 2016 Draft Environmental Impact Statement (DEIS) and a Notice of Availability of the DEIS for CP16-10. I will rely upon and refer to these documents throughout this letter.

At the outset, however, I must highlight a **major discrepancy within the DEIS**. The DEIS writers themselves are unsure of which counties contain sections of the Jefferson National Forest (JNF) crossed by MVP's proposed route. On p. 1-13 they state, "The MVP pipeline route would cross about 3.4 miles of the Jefferson National Forest in Monroe County, West Virginia and Giles and Montgomery Counties, Virginia." This differs markedly with their statement on p. 4-516, "The MVP would cross a 3.4-mile portion of the Jefferson National Forest in Giles, Craig and Montgomery Counties, Virginia." Such a major discrepancy does not inspire confidence in readers that the writers' understandings and explanations of the MVP project carry a high degree of reliability.

Pages 4 – 235-238 of the DEIS discuss land use on federal lands and describe the Land and Resource Management Plan (LRMP) for the JNF. Pages 4 – 259-264 discuss the four proposed amendments that would be required for routing the MVP through the JNF. The Forest Service (FS) is charged with managing the JNF under its land plan "to sustain the multiple use of its renewable resources in perpetuity while maintaining the long-term health and productivity of the land." Its charges also include managing the JNF in the "context of the broader landscape."

PROPOSED AMENDMENT 1 – A PLAN-LEVEL AMENDMENT

Proposed Amendment 1 is a Plan-Level Amendment that would create **new, 500-foot-wide Rx 5C-Designated Utility Corridors**. The DEIS, confusingly for readers, uses both the singular, “corridor”, and the plural, “corridors”, in its discussions of the Rx 5C designation. Two locations within the JNF are specifically named with respect to a Rx 5C designation, Peters Mountain and Brush Mountain. These locations are more than nine miles apart. Because the MVP pipeline would cross about 3.4 miles of the JNF in total, my understanding is that the Rx 5C designation would apply to two widely separate segments, the sum of whose lengths totals about 3.4 miles. The northernmost segment on Peters Mountain begins around MP 195.5 and is adjacent to the Peters Mountain Wilderness Area. The MVP route runs between Kimballton Branch and the Peters Mountain Wilderness Area boundary. The southerly Brush Mountain segment begins around MP 217.1, and in its final ascent is adjacent to a boundary with the Brush Mountain Wilderness Area. This understanding means that **each of these two segments would have its own entry “gate” to a corridor that is 500 feet wide and its own exit “gate” from that corridor**. The MVP project would, at its completion, occupy a 50-foot-wide route within each of these two segments. The DEIS states that the **primary effect** of designating such corridors would be “the potential for future development within that corridor since the Forest Plan encourages collocation of new special use rights-of-way (i.e. additional linear utility lines or communications sites) in these types of corridors ” (p. 4-262). This means, then, that the remaining 450 feet of width in each segment would be readily available for the next large, one or more utility projects to present themselves for passage through each forest segment.

My husband and I **strongly oppose such a Rx C5 designation**. We are also **strongly opposed to the issuance of a Right-Of-Way Grant by the BLM for such corridors and urge the FS not to concur with any decision of the BLM to grant a Right-Of-Way**. In my understanding, if the FS approves such a Plan-Level Amendment, it could jeopardize its charge to sustain the long-term health and productivity of the land. We think that such a designation would act as an open invitation to encourage multiple pipeline companies to seek the JNF for their projects. The DEIS makes no effort, that I can find, to aid readers in understanding that impacts on nearby lands under private or state ownership could arise from such corridors. We think that lands outside the JNF boundaries but near the FS corridors’ entry and exit “gates” could be very vulnerable to exploitation by pipeline companies. These lands could themselves become, in effect, “utility corridors” as pipeline projects funnel in toward and spew out of 5C designated utility corridors through the JNF. Both the JNF and the lands interfacing with it in the vicinity of such corridors could become large areas of degradation.

A sample of the kind of degradation citizens could expect already exists on Peters Mountain. Dr. Ernst Kastning’s “Expert Report on Geologic Hazards in the Karst Regions of Virginia and West Virginia” addressed the erosion, sedimentation and groundwater contamination problems that arose from the 2014 installation of an 8-to-10-inch-diameter pipeline across Peters Mountain to the Celanese industrial plant located in Giles County, Virginia. His July 2016 report compared these problems to the much worse hazardous effects that could ensue from MVP’s much larger 42-inch pipe (submittal 20160713-5029, p. 40). This “worst-case-scenario”, related to a single very large pipe, could now be far exceeded by collocation of two or more large pipes in 5C

Utility Corridors. The September DEIS has now made the possibility of these very wide corridors broadly known to citizens. Citizens must try to now imagine 500-foot-wide utility corridors populated with what could be two or more large pipelines crossing our National Forest and other lands near the entry and exit “gates” to these corridors.

THE ROLE OF THE BLM AND RECENT LEGISLATIVE ACTIVITY – Recent legislative activity at the federal level magnifies my concerns described above to a new, much larger arena of concern regarding multiple large natural gas pipelines. MVP’s Proposed route would cross the 20-foot-wide Gauley Bridge Turnpike Trail in Braxton County, WV which is on lands managed by the U.S. Army Corps of Engineers (COE) (p. 4-259). This is the only COE land crossed by the MVP route, and the crossing is located at about MP 67.1 (p. 4-235). Because MVP’s Proposed route would travel through lands managed by more than one federal agency (COE and FS), the Secretary of the Interior has delegated authority to the Bureau of Land Management (BLM) to decide whether a Right-Of-Way (ROW) Grant will be issued to MVP. This authorization is provided for under the Mineral Leasing Act (MLA) of 1920.

A “**National Energy Security Corridors Act**” bill was introduced in the U.S. House of Representatives (114th Congress) in May 2015 (**H.R.2295**). This bill calls for amendments to the Mineral Leasing Act to allow natural gas pipeline rights-of-way through **all** federally owned lands **except** lands held in trust for an Indian or Indian tribe and lands on the outer Continental Shelf. On 20 May 2015, Mr. Timothy Spisak of the BLM presented testimony on H.R. 2295 before the House Natural Resources Committee. His testimony states that the bill “requires the Secretary (of the Interior) to designate at least 10 National Energy Security Corridors within two years **in the eastern United States**, and specifies that the designation of the corridors would not be considered ‘major federal actions’ under the National Environmental Policy Act (NEPA) and **thereby waived from NEPA review**. Under the bill, the Secretary would be directed to establish procedures to expedite and approve applications for ROWs for natural gas pipelines across the newly designated corridors.” He goes on to discuss several aspects of the bill that the Dept. of Interior opposes. He questions the role assigned to the Dept. in designating these corridors in the eastern U.S. where very little multiple-use land is managed by the Dept. He states that, “Designating corridors on Federal land does not create a contiguous corridor; rather intervening parcels of state and private land complicate corridor designation and are important considerations in both Federal and state permitting processes.” In another section of the testimony transcript he describes pipeline authorizations. He states that **designated corridors** are **preferred locations** for placing Rights-Of-Way for pipelines. (See the transcript of this testimony at www.doi.gov/ocl/hearings/114/hr2295_052015).

My growing concern is that any new Rx 5C Designated Utility Corridors, allowed by an amendment to the land plan for JNF, **could become re-defined as one or more National Energy Security Corridors**. If the BLM is ultimately required by a new federal law to establish such National Energy Security Corridors, it will look first for utility corridors that have already been designated (in this case, the Forest Service Rx 5C Designated Utility Corridors on lands in the JNF). The current H.R. 2295 bill or any future similar federal legislative activity could result in a law that creates these Energy Security Corridors throughout the eastern U.S.

In its lengthy 21 April 2016 filing to the FERC, MVP submitted two maps showing alternate routes for its project that relate directly to National Forest lands. Figure 10.5-1a, “Hybrid Alternatives”, is a map accompanied by a table, “Comparison of Hybrid Alternative 1A, Hybrid Alternative 1B, and the Proposed Route”. In the **Hybrid Alternative 1A routing**, 1.6 miles of National Forest is crossed. **This is less than half of the 3.4 miles crossed by the Proposed route.** This crossing does not appear to be adjacent to Wilderness Areas. The second map is contained in Figure 10.5-a, “Pipeline Alternatives Overview Map”. In this map MVP shows a “**Forest Service Avoidance Alternative**” that is routed entirely around the Monongahela National Forest and the George Washington and Jefferson National Forests. I am left to wonder why these routes did not receive a more thorough examination by MVP.

PROPOSED AMENDMENTS 2,3 AND 4 – PROJECT-SPECIFIC AMENDMENTS

The second type of amendment covers those pertaining only to the construction and operation of the MVP and would involve Forest Plan Standards. Page 4-236 states, “Standards are specific technical resource management directions and often preclude or impose limitations on management activities or resources, generally for environmental protection, public safety, or resolution of an issue.” Pages 4 – 262-264 describe the particular Standards impacted by the MVP. “Temporary waivers” of these Standards would be required to allow the MVP to proceed (p. 4-262). While restrictions imposed by the Standards would be suspended “temporarily” for construction activity, the effects of exceeding the restrictions would be very long-lasting.

Proposed Amendment 2 – This amendment deals with Standards pertaining to soil conditions and riparian corridor conditions. Removal of topsoil destroys its structure and thereby its interaction with moisture regimes within the topmost soil layers as well as layers below. These moisture regimes relate directly to microscopic and macroscopic life forms within the soil and to vegetation above the soil surface whose root systems depend upon certain soil moisture regimes. Soils are likely to be most fragile and vulnerable to damage and loss along MVP’s route where steep slopes prevail.

On page 4-467 the DEIS states that within the JNF, MVP plans to install Class 2 pipe buried at least 36 inches below the ground surface. Page 4-263 states that “Following construction, ground contours and surface flow outlets would be restored to pre-construction conditions.” This re-contouring would restore only the appearance and not the subsurface functioning of deeply disturbed soils. Riparian corridors will be exposed to erosion and sedimentation leading to water degradation. Trees, which serve to anchor soils and mediate water flows (both surface and subsurface flows) in those areas, will be lost.

Proposed Amendment 3 – This amendment would allow removal of old growth trees within the construction corridor. Because so few old growth forest areas exist, we should do all we can to conserve, learn from and nurture those areas that remain. They are important from the standpoint of both forest biodiversity and genetic diversity within each species represented in these old growth communities.

Proposed Amendment 4 - This amendment would allow the MVP to cross the Appalachian National Scenic Trail (ANST) on Peters Mountain, reducing the Scenic Integrity Objective (SIO) for the area from High to Moderate. MVP intends to use horizontal conventional boring under the trail to “minimize impacts to the extent possible” (p- 4-264). Though Standard 4A-028 limits linear utilities and rights-of-way to a single crossing of this Rx 4A area per project, my concern is that one or more future large utility projects could cross nearby in a newly designated Rx 5C area. The **Hybrid Alternative 1A** routing may have crossed the ANST at a location having a less significant impact on scenic integrity. The **Forest Service Avoidance Alternative** route may have also crossed the ANST in a less impactful location. Because neither of these alternatives received a more thorough examination by MVP, their impacts upon the ANST cannot be assessed.

The “linear nature” of the pipeline is referred to throughout the discussion of the project-specific amendments (pages 4 4262-264). Indeed, the physical integrity and functioning of a large pipeline system depend heavily upon fairly static conditions within and around the pipe’s trench environment. The Jefferson National Forest is by its nature a dynamic system of constantly interacting physical and biological components set within the rugged Appalachian Fold Belt. It is an inappropriate environment in which to build and attempt to maintain a massive, static pipeline. **We strongly oppose the adoption of Proposed Amendments 2,3 and 4 by the Forest Service.** Again, as stated above with respect to Proposed Amendment 1, **we urge the Forest Service not to concur with any decision of the BLM to grant a Right-Of-Way. We are also strongly opposed to the issuance of a Right-Of-Way by the BLM.**

Sincerely,

Ms. Torsten Sponenberg

Document Content(s)

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